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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/496,698	02/02/2000	ANDREW D. Simchik	XXT-036CP	6586

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EXAMINER

POKRZYWA, JOSEPH R

ART UNIT PAPER NUMBER

2622

DATE MAILED: 06/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/496,698

Applicant(s)

SIMCHIK ET AL

Examiner

Joseph R. Pokrzywa

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-12 and 27-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-12 and 27-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. Applicant's amendment was received on 4/13/05, and has been entered and made of record. Currently, **claims 8-12, and 27-31** are pending.

Response to Arguments

2. Applicant's arguments, see pages 5-8, filed 4/13/05, with respect to the amended claims and the rejection cited in the previous Office action dated 1/19/05 have been fully considered and are persuasive. Therefore, the rejection from that action under 35 U.S.C. 102 of claims 8-12, as being anticipated by Kraft, IV (U.S. Patent Number 5,870,767), has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Brobst *et al.* (U.S. Patent Number 6,061,700).

Claim Objections

3. **Claim 29** is objected to because of the following informalities:

In **claim 29**, line 1, "claim 27" should read "claim 28".

Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. **Claims 8-12, and 27-31** are rejected under 35 U.S.C. 102(e) as being anticipated by Brobst *et al.* (U.S. Patent Number 6,061,700).

Regarding ***claim 8***, Brobst discloses a method suitable for use with a printing system for dynamically linking changing content present in a page in a network with a document (see abstract, column 6, lines 17-42, and column 7, lines 2-28), the method comprising the steps of inserting a link into the document (column 5, lines 21-41, and column 6, lines 42-column 7, line 10), the link corresponding to a page present in the network, wherein the page includes a web page (column 5, line 33-column 6, line 16), automatically launching a browser in response to the link (column 6, lines 17-42, and column 7, line 6-column 8, line 16), automatically retrieving the content of the page from the network (column 6, line 54-column 7, line 19, and column 8, lines 17-31), and automatically converting the content of the converted content into the document (see abstract, column 6, lines 43-53, and column 7, line 10-column 8, line 16).

Regarding ***claim 9***, Brobst discloses the method discussed above in claim 8, and further teaches that the step of inserting a link comprises the step of inserting a uniform resource locator (URL) into the document (column 5, lines 21-41, and column 6, lines 42-column 7, line 10), and wherein the step of launching comprises the step of launching a web browser, wherein the URL

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corresponds to a web page in the network (column 6, lines 17-53, and column 7, line 6-column 8, line 16).

Regarding *claim 10*, Brobst discloses the method discussed above in claim 8, and further teaches that the step of inserting comprises the step directly inserting converted content into the document such that when the document is accessed the converted content is displayed as a readable part of the document (see abstract, column 6, lines 6-53, and column 7, line 10-column 8, line 16).

Regarding *claim 11*, Brobst discloses the method discussed above in claim 8, and further teaches that the page includes a web page and the browser includes a web browser (column 6, lines 17-42, and column 7, line 6-column 8, line 16), further comprising the step of automatically, dynamically inserting the link into the document to dynamically retrieve content associated with the web page for subsequent incorporation into the document (see abstract, column 6, lines 43-53, and column 7, line 10-column 8, line 16).

Regarding *claim 12*, Brobst discloses the method discussed above in claim 8, and further teaches of the step of repeating the steps of launching, retrieving, converting, and inserting as a function of the number of links inserted into the document (column 6, line 54-column 7, line 19, and column 8, lines 17-31).

Regarding *claim 27*, Brobst discloses the method discussed above in claim 8, and further teaches that the content of the page is inserted into the document such that when the document is printed into a hardcopy format the content of the page is printed into the hardcopy format as part of the document (see abstract, column 6, lines 17-42, and column 7, lines 2-28).

Regarding *claim 28*, Brobst discloses a printing system for automatically and dynamically linking content from an existing network page into a document generated using a document creation algorithm (see abstract, and column 6, lines 17-53), the system comprising a document creation algorithm for creating, retrieving or assembling a document (see abstract, and column 6, lines 17-53), a link facility for manually creating and inserting a network link into the document (column 5, lines 21-41, and column 6, lines 42-column 7, line 10) wherein the link is associated with an existing network page (column 5, line 33-column 6, line 16), a browser for automatically accessing and retrieving the content of the network page associated with the link (column 6, line 54-column 7, line 19, and column 8, lines 17-31), and a production agent for automatically converting the content of the network page into an image file and for automatically inserting the content into the document (see abstract, column 6, lines 43-53, and column 7, line 10-column 8, line 16).

Regarding *claim 29*, Brobst discloses the system discussed above in *claim 28*, and further teaches that upon subsequent access of the document, the browser launches automatically accessing and retrieving the most recently updated content of the network page without need for action or knowledge of a user (column 6, line 54-column 7, line 19, and column 8, lines 17-31).

Regarding *claim 30*, Brobst discloses the system discussed above in *claim 28*, and further teaches that upon subsequent access of the document, the production agent automatically converts the content of the network page into the image file and inserts the content of the network page into the document without need for action or knowledge of the user (see abstract, column 6, lines 43-53, and column 7, line 10-column 8, line 16).

Regarding *claim 31*, Brobst discloses the system discussed above in claim 29, and further teaches that the document and the inserted content of the network page are readily available in a readable format for display on a user interface for printing (see abstract, column 6, lines 17-42, and column 7, lines 2-28).

Citation of Pertinent Prior Art

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Simchik *et al.* (U.S. Patent Number 6,856,415), being related to this application, claims a similar printing system;

Hamzy (U.S. Patent Number 6,623,527) discloses a web browsing printing system; and

Isensee *et al.* (U.S. Patent Number 6,016,494) discloses a system that merges web documents with linked documents.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joe Pokrzywa whose telephone number is (571) 272-7410. The examiner can normally be reached on Monday-Friday, 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on (571) 272-7402. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Joseph R. Pokrzywa
Primary Examiner
Art Unit 2622



jrp